

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:05cv370

DENNIS NOVOTNY,

Plaintiff,

vs.

MICHAEL CHAPMAN,

Defendant.

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ORDER

THIS MATTER is before the Court on the Plaintiff's "Motion for Expedited Request and Order Authorizing the Telephonic Attendance at Status Conference by Plaintiff(s), filed November 7, 2007.

There is presently scheduled a status conference in this matter for November 20, 2007. By Order entered November 5, 2007, the undersigned warned the two remaining parties that they must "attend the status conference scheduled for November 20, 2007 or face adverse rulings in the action." Order, filed November 5, 2007, at 6. In fact, the Court advised both parties as follows:

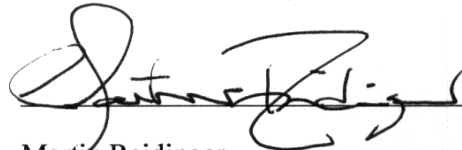
The Court has reviewed the complaint and the answer of Chapman and has scheduled a status conference for November 20, 2007 in Charlotte. The parties have been provided notice of that conference. At that time, the Court intends to address the following issues: (1) whether Novotny has timely and adequately responded to the Order to Show Cause why the case should not be dismissed for failure to prosecute; (2) whether the case should be dismissed as frivolous; and/or (3) if not dismissed, whether a pre-trial order and case management plan should be entered in the action with deadlines specified therein for discovery, motions, mediation and trial. The failure of either Novotny or Chapman to appear at the status conference will result in the entry of adverse rulings against either or both.

Id.

The Court does not find that Novotny has stated a sufficient reason to conduct the conference by telephone. Novotny is hereby warned that pursuant to this Court's inherent authority and Federal Rule of Civil Procedure 41, his absence may result in the dismissal of this action. Fed.R.Civ.P. 41(b) ("For failure of the plaintiff to prosecute or to comply with ... any order of court, a defendant may move for dismissal of an action[.]").

IT IS, THEREFORE, ORDERED that the Plaintiff's motion is hereby
DENIED.

Signed: November 9, 2007


Martin Reidinger
United States District Judge

